BILL NO. Z-86-06-06 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- Last

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated as a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

The North 275 feet of Lot #30 in J.H. Feichter's Garden View Addition, Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. R-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-86-06-06

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BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated as a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot #30 in J.H. Feichter's Gardenview Addition, except the south 629.4 feet and excluding 173 feet north of the center of Forrest Avenue,

and the symbols of the City of Fort Wayne Zoning Map No. R-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eastman, seconded by Gia Quinta, and duly adopted, read the second tir by title and referred to the Committee Regulation (and the C: Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,

DATE: 6-10-86

Deputy Clerk
~~SANDRA E. KENNEDY, CITY CLERK~~

Read the third time in full and on motion by Eastman, seconded by Burns, and duly adopted, placed on it passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	4	4		1	
BRADBURY				✓	
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY		✓			
REDD	✓				
SCHMIDT		✓			
STIER		✓			
TALARICO		✓			

DATE: 12-23-86

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Ck # 281

№ 597

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4-18 19 86

RECEIVED FROM Gerald P. Henrop $ 50.00

THE SUM OF fifty + 00/100 DOLLARS

ON ACCOUNT OF

rezoning - 3504 East State

[illegible]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE ICE CREAM SHOP

I/We GERALD P. HENRY AND MARY ELLEN HENRY
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an B1B District the property described as follows:

Lot # 30 in J.H. FEICHTER GARDENVIEW ADDITION.
EXCEPT S. 629.4 FT & EXC 173 FT N. OF CENTER
FORREST AVE.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3504 EAST STATE BLVD.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Gerald P. Henry.	2622 ABBEY FT. WAYNE, IN	Gerald P. Henry.
MARY ELLEN HENRY SCHMIDT	2609 N. OLEANDER APT. 14 DAYTONA BEACH, FLORIDA	Mary Ellen Henry
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Robert P. Henry	1811 Berkley ave Ft. W. In.	749-9735
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 19, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 2, 1986.

Certified and signed this
11th day of December 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-06-06

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From RB to B1B		

DETAILS

Specific Location and/or Address

3504 E. State Street

Reason for Project

Possible development as ice cream shop or restaurant.

Discussion (Including relationship to other Council actions)

19 May 1986 - Public Hearing

Robert Henry, representing the petitioners stated that the petitioners have a potential purchaser of the property if rezoned to B-1-B. He stated they are requesting the rezoning in order to allow for an ice cream shop or a restaurant.

Ben Eisbart questioned if Mr. Henry had seen the staff analysis where it recommended that the parcel be perfected to rezone only 275 feet in depth instead of the original request of over 600 feet in depth.

Mr. Henry stated he had seen the staff recommendation.

John Shoaff asked Mr. Henry if he were agreeable to said amendment of the request.

Mr. Henry stated they do not have a problem with the recommendation.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Gerald Henry Mary Ellen Henry Schmidt **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditio (See Details column for conditio
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pa

DETAILS

2 June 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the request being perfected to rezoning only the north 275 feet of the lot. Petitioners were also to submit a landscape to be approved by the CD&P Landscape staff showing buffering between the properties located to the west and east. Motion carried.

Of the 8 members present 7 voted in favor of approval one did not voted.

NOTE: The conditions of the Plan Commission have been met.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 18 April 1986

Projected Completion or Occupancy **Date** 11 December 1986

Fact Sheet Prepared by **Date** 11 December 1986

Patricia Biancaniello

Reviewed by **Date** 12/15/86

Gary Bachta

Reference or Case Number

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 2 DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE ~~Zoning Ordinance Amendment~~

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 86-06-06

SYNOPSIS OF ORDINANCE 3504 East State Street

EFFECT OF PASSAGE Property is now zoned RB - Suburban Residential. Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE ~~Property will remain RB - Suburban Residential.~~

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

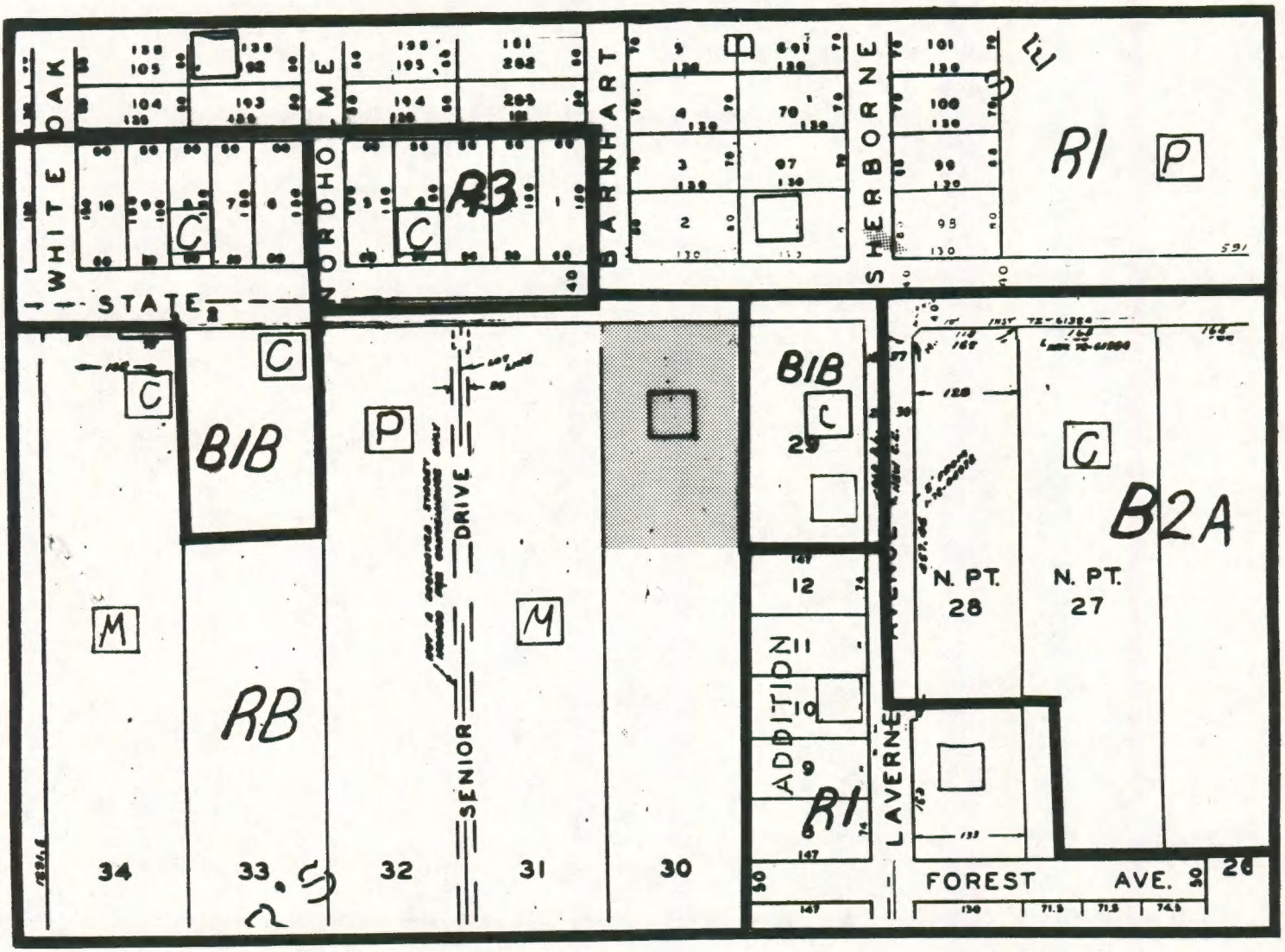
(ASSIGN TO COMMITTEE (J.N.) _____

REZONING PETITION -772

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A BIB DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

- RB RESIDENCE 'B'
- BIB LIMITED BUSINESS 'B'
- B2A SHOPPING CENTER - NEIGHBORHOOD
- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- [M] MULTI-FAMILY
- [C] COMMERICAL
- [P] PUBLIC

Z-86-06-06 (AS AMENDED)

N

SCALE: 1" = 200'

DATE: 4-30-86

Hold to 1/23

BILL NO. Z-86-06-06 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

YES NO RECOMMENDATION NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 12-23-86

SANDRA E. KENNEDY
CITY CLERK